

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed March 9, 2005. Claims 14, 15, 20, 21, and 23 have been amended herein. Claims 14-26 remain pending in the present application. The Applicants have also amended the specification of the presently pending patent application to show that the present application is a divisional of U.S. Application Serial No. 10/219,589, filed August 15, 2002.

In the Office Action, pending claims 14-23 have been preliminarily rejected as being anticipated under 35 U.S.C. § 102(b). In addition, pending claims 24-26 have been preliminarily rejected as being unpatentable under 35 U.S.C. § 103. The Applicants respectfully traverse all of the rejections of the Office Action. Reconsideration and allowance of the subject application and presently pending claims 14-26 is respectfully requested.

I. Response To Objections

A. Disclosure Objection

In response to the objection to the disclosure due to the need for application numbers, the Applicants have added such numbers in the present amendment.

B. Claim 23

In response to the objection to claim 23, the Applicant has amended claim 23 accordingly.

II. Response to Rejections Based on 35 U.S.C. §112

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In response to the rejection of claim 21, the Applicants have amended the claim to properly show that the electrically insulating element of claim 21 is the same as the electrically insulating element of claim 14, from which claim 21 depends. For the same reason, claim 20 has also been amended.

III. Response To Claim Rejections Based On Anticipation

In the Office Action, pending claims 14, 15, and 17-23 have been preliminarily rejected as being anticipated under 35 U.S.C. §102(b), by Wytkin (U.S. Pat. No. 5,989,008). In addition, pending claims 14, 16, 19, and 21 have been preliminarily rejected as being anticipated under 35 U.S.C. §102(b), by Jensen, et al. (U.S. Pat. No. 5,160,396).

For a proper rejection of a claim under 35 USC §102(b), the cited reference must disclose all elements/features/steps of the claim. See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co., 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

A. Claim 14

Amended independent claim 14 reads:

14. A mold comprising:
 - a) a shell comprising a cavity side and a back side, wherein said cavity side defines a mold cavity;
 - b) a resistive heater comprising *a resistive coating* and an electrically insulating element, wherein said heater is shaped to conform to at least a portion of said back side of said shell, and said heater is in conformal contact with said back side of said shell; and
 - c) a housing capable of physically supporting said shell and said heater, wherein said heater is disposed between said shell and said housing.

(Emphasis Added)

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In the Office Action, independent claim 14 has been preliminarily rejected under 35 U.S.C. §102(b) as being anticipated by Wytkin. The Applicants respectfully submit that Wytkin fails to disclose at least the above-emphasized element of claim 14. Specifically, the Applicants have amended independent claim 14 to clarify that the resistive heater comprises a resistive **coating** and an electrically insulating element.

Wytkin discloses a heating means that comprises a plurality of resistance wires, such as nichrome wires, arranged at spaced intervals along a mould. In addition, for conduction purposes, Wytkin requires use of layers of thermally conductive material, which may be formed of copper. The Applicants respectfully submit that the resistive heater of claim 14 comprises a resistive coating. Due to use of a resistive coating, there is no need for separate layers of thermally conductive materials. Instead, the resistive coating itself is capable of heating, thereby alleviating the need for separate resistance wires and layers of thermally conductive material. This also allows the Applicants' resistive heater to be relatively thin, while still providing evenly distributed heat.

In addition, to the above-mentioned, the Applicants respectfully submit that the resistive coating is described in detail within the detailed description of the presently pending patent application. As an example, the detailed description discloses that the resistive coating may be formed via use of many different techniques, such as, but not limited to, thermal spraying, CVD, and PVD. For clarification purposes, the language of claim 14 has been changed to limit the "resistive element" to "resistive coatings."

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As a result of at least the above mentioned, the Applicants respectfully submit that claim 14 is allowable and allowance is respectfully requested.

B. Claims 15 and 17-23

The Applicants respectfully submit that since claims 15 and 17-23 depend on independent claim 14, claims 15 and 17-23 contain all limitations of independent claim 14. Since independent claim 14 should be allowed, as argued above, pending dependent claims 15 and 17-23 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

1. Claim 15

In addition to the above mentioned, the Applicants' claim 15 recites, "The mold of claim 14, wherein said resistive coating of said resistive heater in step (b) is directly adhered to at least a portion of said back side of said shell." The Office Action cites to FIG. 8 of Wytkin and reads, "as the heaters (52) are surrounded by conductive material (54), they are adhered to the back side of the shell (see Fig.8)."

The Applicants respectfully submit that the further clarifications to claim 15 make it clear that claim 15 is directed to having the resistive coating portion of the resistive heater directly adhered to at least a portion of the back of the shell. Since the resistive coating is capable of heating, and it is directly adhered to the back of the shell, the characteristics and benefits of a heater that is in the form of a coating, as explained above with reference to independent claim 14, help to further enhance the mold.

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Due to the above-mentioned, the Applicants respectfully request allowance of presently pending claim 15.

IV. Response To Claim Rejections Based On Obviousness

In the Office Action, pending claims 24-26 have been preliminarily rejected as being unpatentable under 35 U.S.C. § 103(a). The Applicants respectfully submit that since claims 24-26 depend on independent claim 14, claims 24-26 contain all limitations of independent claim 14. Since independent claim 14 should be allowed, as argued above, pending dependent claims 24-26 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

Specifically, the Applicants have amended independent claim 14 to clarify that the resistive heater comprises a resistive **coating** and an electrically insulating element. The Applicants respectfully submit that neither Jensen nor Blackmore disclose, teach, or suggest the resistive heater comprising a resistive coating and an electrically insulating element. For at least the above-mentioned reasons, the Applicants respectfully request allowance of claims 24-26.

V. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, the Applicants respectfully submit that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 14-26 are in condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603) 668-1400.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on July 11, 2005 at Manchester, New Hampshire.


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